

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS, INC., *et al.*,

Debtors.

Chapter 11

Case No. 24-11967 (JKS)
(Jointly Administered)

**Hearing Date: February 26, 2025 at 10:30 a.m.
Obj. Deadline: February 4, 2025 at 4:00 p.m.**

**MOTION OF 1600 EASTCHASE PARKWAY LEASING LLC
FOR AN ALLOWANCE AND COMPELLING PAYMENT
OF ADMINISTRATIVE EXPENSE CLAIM**

1600 Eastchase Parkway Leasing LLC (“Eastchase”), a creditor in the above-captioned case, by and through its undersigned counsel, respectfully requests entry of an order, substantially in the form of the attached Order (the “Proposed Order”): (i) allowing Eastchase’s administrative expense claim pursuant to 11 U.S.C. § 503(b)(1)(A), and (ii) directing immediate payment of such allowed claims by the above-captioned debtors (the “Debtors”), and in support thereof, respectfully represents as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334, and the *Amended Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of Delaware, entered on February 29, 2012, (Sleet, C.J.).

2. This is a core proceeding within the meaning of 28 U.S.C. §§ 157(b) (2) (A), and (B).

3. Pursuant to Local Rule 9013-1(f), Eastchase consents to the entry of a final judgement or order by this Court in connection with this motion.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1408 and 1409.

5. The statutory predicates for the relief requested herein are sections 105 and 503(a) and (b) of the Bankruptcy Code.

6. On September 9, 2024 (the “Petition Date”), the Debtors each filed a Petition for Relief (collectively, the “Petitions”) under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (as amended) (the “Bankruptcy Code”).

7. The Debtors’ Chapter 11 cases are jointly administered under case number 24-11967 (JKS).

8. Eastchase was a landlord to one of the Debtors for premises more commonly known as 1450 Eastchase Parkway, Unit #232 , Suite 130, Store #4759, Fort Worth, Texas 76102 and is owed \$75,755.84 in post-petition rents and taxes. A copy of the accounting is attached hereto as **Exhibit “A”**. Debtors have failed to pay this amount.

RELIEF REQUESTED

9. Eastchase respectfully requests that the Court enter an order allowing its administrative claim and compelling payment in full for the unpaid post-petition rent and taxes immediately.

10. Bankruptcy Code section 503(b)(1) provides: “[a]fter notice and a hearing, there shall be allowed, administrative expenses . . . including . . . the actual, necessary costs and expenses of preserving the estate.” 11 U.S.C. § 503(b)(1). “[W]hen third parties are induced to supply goods or services to the debtor-in-possession pursuant to a contract that has not been rejected, the purposes of [administrative claims] plainly require that their claims be afforded priority.” *In re Goody’s Family Clothing, Inc.*, 610 F.3d 812, 818 (3d Cir. 2010) (internal citations omitted).

11. Eastchase requests that this Court order prompt payment of its administrative expense claim. It is well settled that the decision whether to order payment of § 503(b)(1) administrative claims is within the sound discretion of this Honorable Court. *See, e.g., In re HQ Global Holdings, Inc.*, 282 B.R. 169, 173 (Bankr. D. Del., 2002); *In re Christmas Tree Shops, LLC*, Case No. 23-10576, Dkt. No. 257 (*Order Granting Application Of Riba Textiles, Ltd. For An Order Compelling Payment Of Administrative Claim* required payment in 3 installment payments due within 18 days of date of the order).

NOTICE

12. Notice of this Motion is being provided to: (i) the Debtors; (ii) counsel to the Debtors; (iii) the Office of the United States Trustee; (iv) counsel to the official committee of unsecured creditors; and (v) all parties requesting notice in the Debtors' chapter 11 cases pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure. In light of the nature of relief requested herein, Eastchase respectfully submits that no other or further notice is necessary.

CONCLUSION

For the foregoing reasons, Eastchase respectfully requests that the Court enter the proposed Order; and such other and further relief as is just and proper.

Respectfully submitted,

Dated: January 21, 2025

**JOHN R. WEAVER, JR., P.A.
Attorney at Law**

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Attorneys for Attorneys for 1600 Eastchase Parkway Leasing LLC

EXHIBIT A

Proof of Claim Exhibit “A”

1600 Eastchase Parkway Leasing LLC is the landlord for premises known as 1450 Eastchase Parkway, Unit #232, Suite 130, Store #4759, Fort Worth, TX 76102. It files the following Administration Claim in the amount of \$53,418.60 for all amounts owed between September 9, 2024 through November 30, 2024. 1600 Eastchase Parkway Leasing LLC reserves its rights to amend this claim, including for additional amounts.

Eastchase
c/o Lexington Realty International
911 E. County Line Road
Suite 206
Lakewood, NJ 08701

Date: 12/10/2024
INVOICE #: 041109
Big Lots #4759
Suite 130
Lease ID:003463

Big Lots #4759
1600 Eastchase Parkway 130
Fort Worth, TX 76120

Amount Enclosed: _____

Please enclose this portion with your remittance.

MAKE CHECKS PAYABLE TO:

1600 East Chase Parkway Leasing LLC
c/o Lexington Realty International
1600 Eastchase Parkway Leasing
911 E. County Line Road #206
Lakewood, NJ 08701

Date	Code	Description	Charges	Payments	Amount Due
8/1/2023	PRIOWN	Real Estate Taxes Actual	-5,347.83	.00	-5,347.83
7/23/2024	INSYE	INSYE 2023	4,587.05	.00	4,587.05
7/23/2024	PTAXYE	PTAXYE 2023	51,241.57	.00	51,241.57
7/31/2024	CAMYEC	CAMYEC 2023	13,335.69	.00	13,335.69
9/1/2024	RENT	Rent	19,855.33	.00	19,855.33
9/1/2024	CAM	CAM	2,481.91	.00	2,481.91
11/11/2024	PTAXYE	PTAXYE 2024	53,418.60	.00	53,418.60

Current	30	60	90	120	BALANCE DUE
53,418.60	0.00	0.00	22,337.24	63,816.48	139,572.32

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